

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, JUNE 18, 1997

Morgan Hill Civic Center

Mayor

Dennis Kennedy

**Council Chambers
17555 Peak Avenue
Morgan Hill, California 95037**

**Mayor Pro Tempore
Councilmember
Councilmember
Councilmember**

**Bev E. Freeman
Hedy L. Chang
Cynthia J. Cook
J. Robert Foster**

6:00 P.M.

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Legal Authority: Government Code Section 54956.9(b)(1)
Title of Potential Litigation: Falcon Cable Systems Co. L.P v. City of Morgan Hill
Potential Court: United States Federal District Court, Northern District
Potential Parties: Falcon Cable Systems Co. L.P v. City of Morgan Hill
Potential Lawsuit: Lawsuit for possible failure to renew based upon a pending renewal application
Closed Session Topic: Status Update; Instructions to counsel

7:00 P.M.

CALL TO ORDER
(Mayor Kennedy)

ROLL CALL ATTENDANCE
(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT
Eric Hilding

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Jackson Elementary School
California Distinguished School

PRESENTATIONS

California Energy Commission

INTRODUCTIONS

Jan Gehlen
Accounting Supervisor

CITY COUNCIL REPORT

Council Member Cook
SCRWA and Flood Control Zone

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

OTHER BUSINESS:

1. CONTRACT FOR FEASIBILITY STUDY OF SKATEBOARD FACILITY

Recommended Action: 1) **Appropriate** \$8,000 from the current Unappropriated Park Development Fund Balance for this Feasibility Study, and 2) **Award** Professional Services Contract for a Skateboard Park Feasibility Study to David Evans and Associates, (DEA) in a Amount Not to Exceed \$8,000 and **Authorizing** the City Manager to Execute the Agreement on Behalf of the City.

2. APPROVAL OF FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 1997-2002

Recommended Action: **Approve** Five Year Capital Improvement Program for Fiscal Years 1997-2002.

LEGALLY NOTICED PUBLIC HEARINGS:

3. ADOPTION OF CITY OF MORGAN HILL 1997-98 AND 1998-99 BUDGET AND FINANCIAL PLAN AND THE FY 1997-98 APPROPRIATION LIMIT

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to adopt resolution.

4. **DEVELOPMENT AGREEMENT AMENDMENT, DAA-95-03: E. DUNNE-WILLARD**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to deny request.

Should the Council wish to approve the request,

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

5. **DEVELOPMENT AGREEMENT AMENDMENT, DAA-96-06: STONEGATE-MANTIA**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

6. **DAA96-98: COCHRANE-EAH**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

7. **TEXT AMENDMENT - REVISION TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA. APPLICATION ZA-97-04**

Recommended Action: Open and Continue the Public Hearing to July 2, 1997.

8. **ADOPTION OF RESOLUTION APPROVING THE ANNUAL ENGINEER'S REPORT FOR THE FOX HOLLOW/MURPHY SPRINGS ASSESSMENT DISTRICT AND ITS ANNEXATIONS AND EXTENSION OF CONTRACT FOR LANDSCAPING MAINTENANCE SERVICES FOR TAX YEAR 1997-98**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to adopt resolution.

Action - Motion to extend the contract.

9. **PROPOSED STREET NAME CHANGE - "EAST LANE" TO SERENE DRIVE**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to adopt resolution.

OTHER BUSINESS CONTINUED:

10. **EXCEPTION TO LOSS OF BUILDING ALLOTMENT, APPLICATION DAA-94-02: SAN RAMON-MARQUEZ (YANG)**
Recommended Action: **Adopt** Resolution of Approval.
11. **DEVELOPMENT OF NORDSTROM PARK**
Recommended Action: That City Council Direct Staff to Return to the Council with the Appropriate Budget and CIP Documents Moving Funding for the Development of Nordstrom Park on Its Current Site into the 1997-98 Fiscal Year Budget.
12. **PUBLIC WORKS MAINTENANCE CONTRACTS FOR FY 97-98 AND FY 98-99**
Recommended Action: **Approve** Attached Maintenance Contracts for: Street Sweeping, Lift Station Maintenance/Repair, Potable Water Sampling and Analysis, Telemetry System Maintenance/Repair and Pump Maintenance/Repair.
13. **REQUEST FOR APPROVAL FOR OUTSIDE CONNECTION TO CITY SEWER, REJECTION OF REQUEST FOR OUTSIDE SEWER SERVICE OR CONTINUATION OF ANNEXATION OF SUBJECT PROPERTIES - CUSTOM ONE**
Recommended Action: 1) **Permit** City Staff to Proceed with the Processing of the Application for Annexation in the Quickest and Most Efficient Manner Possible, and 2) **Reject** Request for Sewer Service thus Allowing Property to be Served by a Septic System.
14. **AWARD OF CONTRACT TO C. F. ARCHIBALD PAVING, INC. FOR CONSTRUCTION OF "STREET REPAIRS - 1997" PROJECT**
Recommended Action: 1) **Authorize** Total Expenditure of \$487,290 from Current Year Appropriations and the FY 97-98 Budget (Contingent upon City council Approval) as Identified Below, and 2) **Award** Contract to C. F. Archibald Paving, Inc., for the Construction of Street Repairs -- 1997 in the Amount of \$442,991.

ROLL CALL VOTE:

The Roll Call Vote, Agenda Item #15 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

15. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1340, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill Amending Ordinance No. 545, New Series to amend the Development Plan and Architectural Review Guidelines for the Planned Unit Development Located on the South Side of Cochrane Road between Monterey Road and Highway 101.

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #16 through #25 may be acted upon with one motion, a second and the vote.

16. **RESOLUTION APPROVING AN AGREEMENT FOR THE SELECTION OF GOVERNING BOARD MEMBERS FOR THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY MGM (Group 4: Cities of Milpitas, Gilroy and Morgan Hill) CITIES**
Recommended Action: **Adopt** Resolution.
17. **MAY FINANCE AND INVESTMENT REPORT**
Recommended Action: **Accept and File** Report.

18. **REVIEW OF AN AMENDED TENTATIVE MAP FOR A 57-UNIT FOR SUBDIVISION, APPLICATION SD 95-14: COCHRANE-RUGE (DIVIDEND) (APN 728-32-001, 002, 003 AND 728-33-001)**
Recommended Action: **Take No Action**, Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.
19. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH ROBERT A. MANTIA & DOUG PAVONE APN 773-31-033 (LANDS OF MANTIA)**
Recommended Action: **Approve** the Attached Subdivision Improvement Agreement and **Authorize** the City Manager to Sign the Agreement on behalf of the City with Robert A. Mantia and Doug Pavone (APN 773-31-033).
20. **REJECTION OF BIDS FOR COMMUNITY PARK BASEBALL FIELD AND PHASE I CITY HALL LANDSCAPING**
Recommended Action: **Reject** all Bids Received on June 5, 1997 for Rehabilitation of Community Park Baseball field and Phase I City Hall Landscaping and **Authorize** Staff to Rebid the Project.
21. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 8799**
Recommended Action: 1) **Adopt** the Attached Resolution Accepting the Subdivision Improvements included in Tract 8799, Commonly Known as San Pedro-Laural Oaks, and 2) **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
22. **AWARD OF CONTRACT FOR CONSTRUCTION OF THE OAK VIEW CIRCLE DRAINAGE IMPROVEMENT PROJECT**
Recommended Action: 1) **Appropriate** \$80,000 from the Unappropriated Regional Drainage Fund (Non-AB1600), and 2) **Award** Contract to Trinet Construction, Inc. for the Construction of Oak View Circle Drainage Improvement in the Amount of \$58,856.
23. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM QUARTERLY REPORT**
Recommended Action: **Accept** Report by Minute Action.
24. **EXTENSION OF LOAN AGREEMENT WITH THE SANTA CLARA COUNTY OPEN SPACE AUTHORITY**
Recommended Action: **Authorize** the City Manager to Sign the First Amendment to the Loan Agreement Between the Santa Clara County Open Space Authority and the City of Morgan Hill.
25. **APPROVAL OF REGULAR MEETING MINUTES OF JUNE 4, 1997**

CLOSED SESSION:

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Legal Authority:	Government Code Section 54956.9(a)
Title of Case:	<u>Beverly Freeman v. City of Morgan Hill</u>
Case Number:	CV755021
Court:	Superior Court, County of Santa Clara
Parties:	Beverly Freeman; City of Morgan Hill
Subject of Litigation:	Complaint for Declaratory Relief and Damages demanding that the City pay Council Member Freeman's attorney's fees in the <u>Pritchard v. Freeman</u> defamation case
Closed Session Topic:	Potential Settlement

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Legal Authority: Government Code Section 54956.9(a)
Title of Case: Beverly Freeman, Arthur T. College and Robert Coleman v. David Biggs, Estate of Jan Smith, Dennis Kennedy, John Verrella [sic], Gary Baum and the City of Morgan Hill
Case Number: CV746529
Court: Superior Court, County of Santa Clara
Parties: Beverly Freeman; Arthur College; Robert Coleman; City of Morgan Hill; Estate of Jan Smith; Dennis Kennedy; John Varrella [sic]; Gary Baum
Subject of Litigation: Writ of Mandate alleging violations of the Brown Act and Censure problems
Closed Session Topic: Potential Settlement

FUTURE COUNCIL AGENDA ITEMS:

City Treasurer Vacancy
Sale of Cemetery
Ordinance Establishing Voluntary Campaign Spending Limits
Rescind Council Policy regarding Selection of Mayor/Mayor Protem
DA-97-02: East Edmundson-Guthrie
Sign Code Enforcement
Proposal for Highway 101 Corridor Enhancement
Telecommunication Policy
Revised Service Fees
Miscellaneous Fees Update
Accept Church Street Improvements
Accept Contract for Holiday Tank #1 Roof Replacement
Award Contract for Lift Station B
Accept Contract for Monterey Road Traffic Signal Interconnect
Final Map Morgan Spring

Requested by Council 6/4/97:

Scope of Work
- Condit Recreational Area
- Madrone Area Plan
Code Compliance

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.
Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

ADJOURNMENT: The City Council will adjourn to its Regular Meeting on Wednesday, July 2, 1997.

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #3 through #9 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.